

DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

2007 Comprehensive Plan

Town of Milan
Dutchess County, NY

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)

Draft Generic Environmental Impact Statement

Town of Milan 2007 Comprehensive Plan

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Executive Summary

PROJECT DESCRIPTION

The Town Board of the Town of Milan has proposed the adoption of a new *Comprehensive Plan* under the provisions of § 272-a of New York State Town Law. The proposed *Plan* represents the first comprehensive set of changes to the Town's land use policies since the prior plan was adopted in 1986. The *Comprehensive Plan* was prepared by a Town of Milan *Comprehensive Plan* Special Review Board, with assistance provided by GREENPLAN, Inc. of Rhinebeck, New York. The Town Board has sole authority to adopt the proposed *Comprehensive Plan*. The Dutchess County Planning Department has review responsibilities under General Municipal Law 239-m, but no formal approval authority.

Adoption of the *Comprehensive Plan* will provide for a number of new and revised land use policies to guide conservation and development of the Town into the near future. Once adopted, it will provide a rational basis for future changes in land use regulations. The *Comprehensive Plan* will not change any of the Town's zoning requirements nor does it have the authority that a zoning law has. Only the Town Board of the Town of Milan, by legislative action, may change zoning, and then, only after an additional environmental review under SEQR. The *Comprehensive Plan*, however, makes recommendations for conservation and development of all land areas in the Town and this information becomes the basis for future zoning decisions.

The proposed *Comprehensive Plan* is consistent with New York State Town Law's mandate that "Among the most important powers and duties granted by the legislature to a town government is the authority and responsibility to undertake town *Comprehensive Planning* and to regulate land use for the purpose of protecting the public health, safety and general welfare of its citizens." The *Comprehensive Plan* reflects the wishes of Town residents, as expressed in a Community Values Survey, a Community Preference Survey,

through numerous public meetings, public hearings, and public workshops between 2000 and 2005, sponsored by a Town Board appointed volunteer *Comprehensive Plan* Special Review Board and the Town Board. A broad consensus was reached from these public participation techniques that certain actions needed to be taken to address development pressures affecting the Town. The *Plan's* overall strategy is to guide growth in a manner that has a beneficial effect on the Town, particularly its small town rural character, its remaining high environmental quality, and its outstanding scenic resources including the Taconic State Parkway, which is listed on the National and State Registers of Historic Places. The Plan seeks to accomplish this goal while accommodating economically viable businesses in the Town including the growing residential housing market. The *Comprehensive Plan* responds to residents' desires to achieve this broad goal. Land use recommendations of the *Comprehensive Plan* appear in Chapter 9 of the Plan. Readers are encouraged to consult the full text of the proposed *Comprehensive Plan*¹ to obtain a full understanding of the action.

In addition to the public participation aspects of the planning process, the *Comprehensive Plan* is also based upon an examination of the most current and relevant socioeconomic statistics and trends, existing land uses in the Town, sensitive environmental features, scenic areas and scenic roads, open space and recreation, traffic and transportation. The planning process included the preparation and analysis of a series of maps identifying surface water resources, groundwater, topography, soils, agricultural resources, and current zoning. In addition, a *Buildout Analysis* was prepared by the Dutchess County Environmental Management Council to determine the potential impacts of development under the current Zoning Law and the data was used to evaluate the effects of the current prescriptions in place for land in the Town.

The SEQR regulations at 6 NYCRR 617.10(a) states that “Generic EISs may be broader, and more general than site or project specific EISs and should discuss the logic and rationale for the choices advanced. They may also include an assessment of specific impacts if such details are available. They may be based on conceptual information in some cases. They may identify the important elements of the natural resource base as well as the existing and projected cultural features, patterns and character. They may discuss in general terms the constraints and consequences of any narrowing of future options. They may present and analyze in general terms a few hypothetical scenarios that could or are likely to occur...In particular agencies may prepare generic EISs on the adoption of a comprehensive plan... Thus, the scope of issues related to this DGEIS have been previously identified and discussed at length throughout the planning process and are set forth in the SEQR regulations.

¹ Please see Appendix A.

IMPACTS AND MITIGATION

The DGEIS evaluates the potential environmental impacts of the proposed *Comprehensive Plan* in the areas of land, water resources, plants and animals, agricultural resources, aesthetic resources, open space and recreation, critical environmental areas, transportation, cultural resources, growth and character of the community and economic considerations. The *Comprehensive Plan* is a statement of policy and implementation of many of its recommendations will require additional study by the Town Board, including environmental reviews related to some of the specific actions recommended. Nevertheless, the *Plan* is a document designed to guide the orderly development of the Town in a manner desired by residents as determined through a rigorous public participation process. All of the impacts identified can be considered either benign or beneficial.

ALTERNATIVES

The DGEIS analyzes one alternative to the proposed action. The “No Action” alternative would occur if the Town Board does not adopt the proposed *Comprehensive Plan* and instead relies on the information and data as well as the outdated recommendations of the current *Plan*, which is over 20 years old. The No Action Alternative would not achieve the consensus reached by the community to protect Milan’s rural character and control the rate and location of new growth.

As summarized in detail in Chapter 2 Subsection B, the *Buildout Analysis*, which was conducted during the preparation of the *Comprehensive Plan* (see Appendix A), there are numerous inconsistencies in the Town’s current Zoning Law that will result in the regulations not meeting the priorities articulated by residents and many of the stated goals of the *Comprehensive Plan*. For example, a community priority is preserving open space, natural resources and farmland but the Zoning regulations set controls to permit residential uses to be spread out across farmland and other large land holdings. Due to this inconsistency, farmland and open space are very likely to disappear and the goal will not be attained. Moreover, current Zoning has the potential to result in development that will have adverse impacts on natural resources, open space, transportation and on property taxes.

The *Buildout Analysis* helps to measure the long-range effectiveness of the Zoning Law and allows for a visualization of the patterns of growth prescribed by it. It indicates that Milan's current Zoning is not consistent with the goals stated in the 2007 *Comprehensive Plan* and continued implementation of the current Zoning is likely to have significant adverse impacts on the Town over time.

PROJECT LOCATION

The proposed study area is the Town of Milan in the context of Dutchess County, New York location, as shown on Figure 1. Figure 2 illustrates the Town of Milan.

IMPLEMENTATION

The action consists of adoption of the proposed *Comprehensive Plan* under §272-a of New York State Town Law. This action requires legislative approval by the Town Board, which has sole authority to adopt the proposed *Comprehensive Plan*. The Dutchess County Department of Planning and Development has review responsibilities under General Municipal Law 239-m, but no approval authority. No other local, state, or federal approvals or permits are required. The Town of Milan is a member of the Dutchess County Greenway Compact, a program of the Hudson River Valley Greenway. The *Comprehensive Plan* is intended to serve as a document that will compliment the goals of the State's Greenway program.

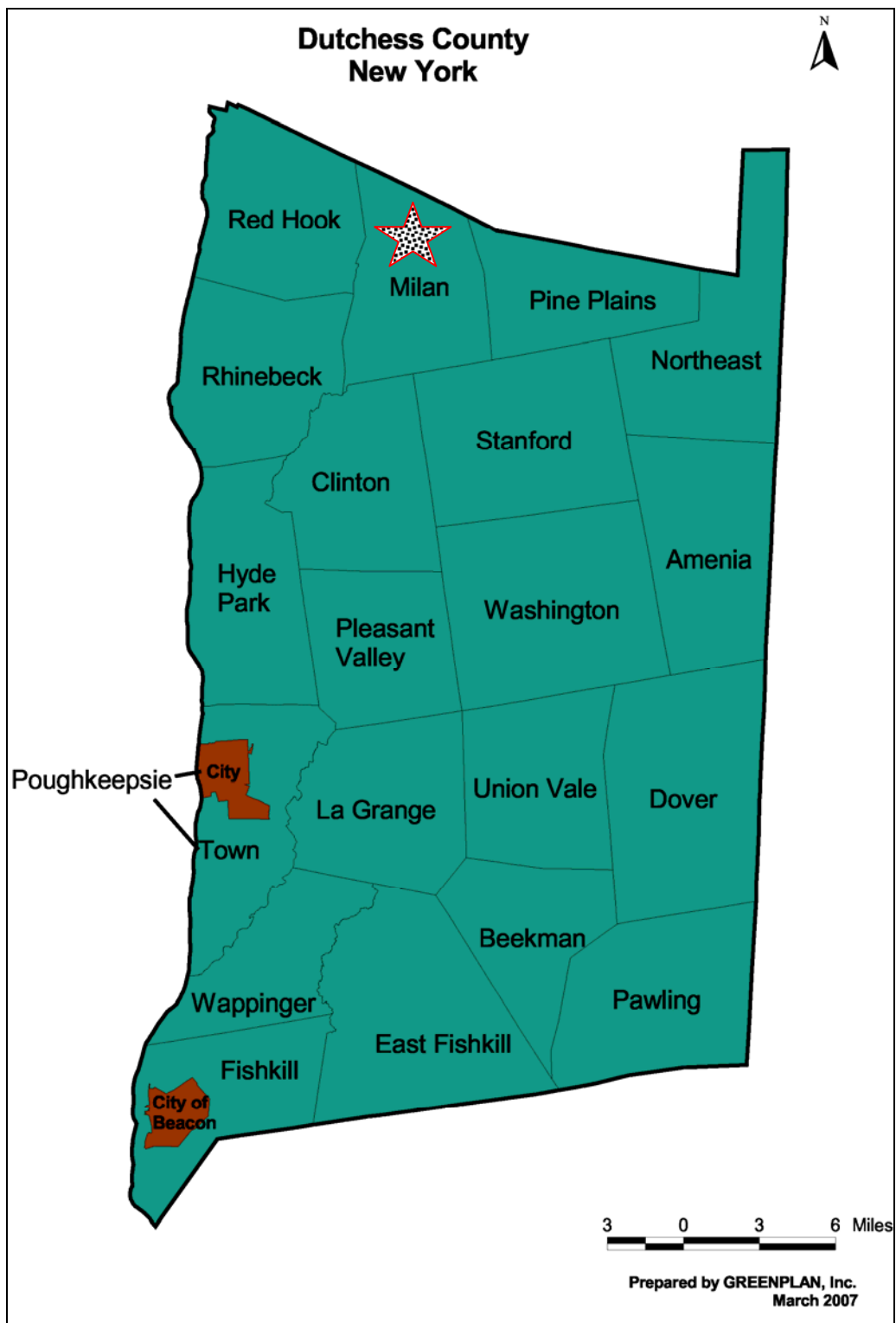


Figure 1: Map of Dutchess County, New York with the Town of Milan indicated to note its regional location.

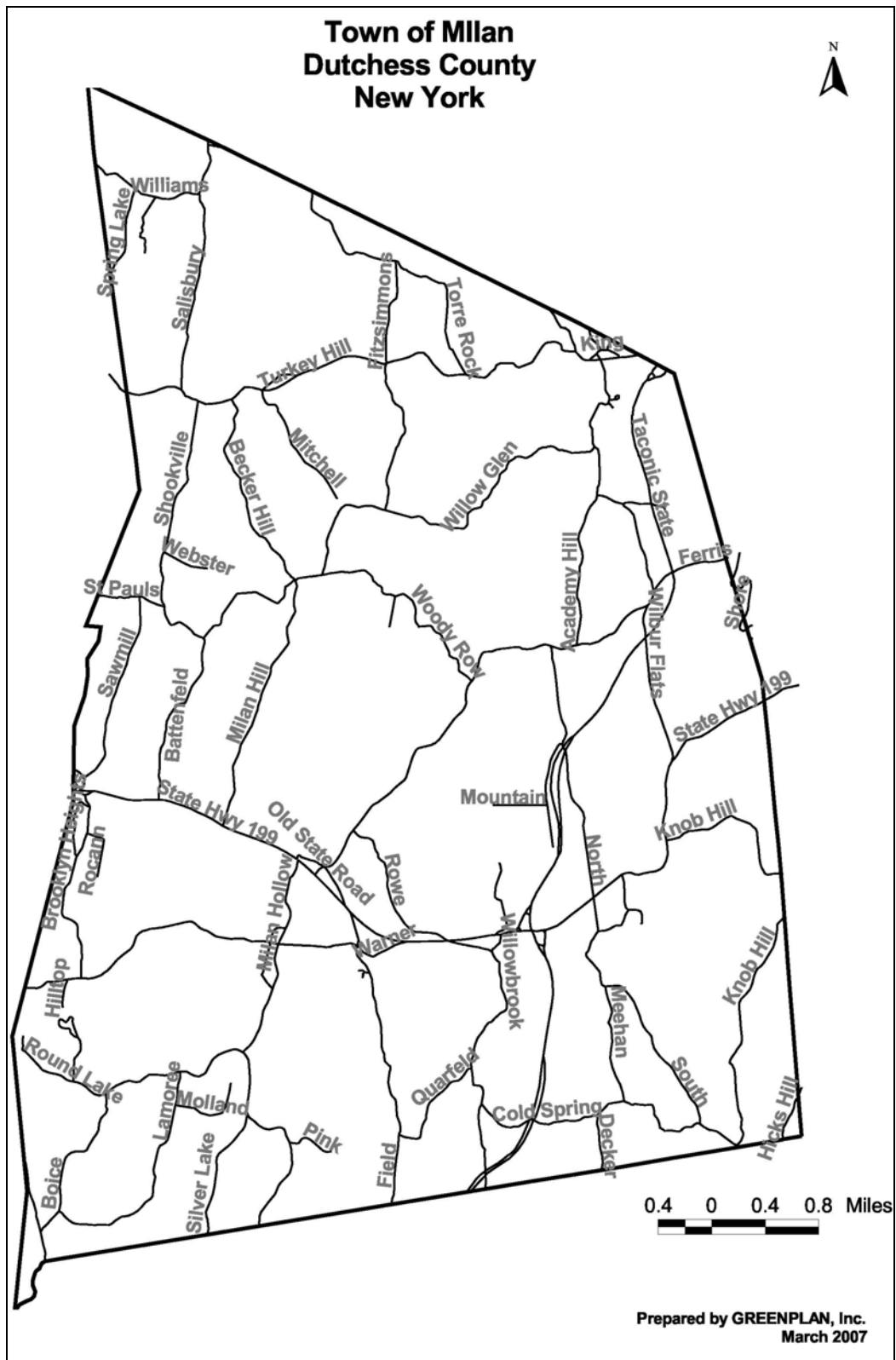


Figure 2: Map of the Town of Milan, New York.

Description of the Action

PROJECT DESCRIPTION

The Town Board of the Town of Milan has proposed the adoption of a new *Comprehensive Plan* under the provisions of § 272-a of New York State Town Law. The proposed *Plan* represents the first comprehensive set of changes to the Town's land use policies since the prior plan was adopted in 1986. The *Comprehensive Plan* was prepared by a Town of Milan Comprehensive Plan Special Review Board, with assistance provided by GREENPLAN, Inc. of Rhinebeck, New York. The Town Board has sole authority to adopt the proposed *Comprehensive Plan*. The Dutchess County Planning Department has review responsibilities under General Municipal Law 239-m, but no formal approval authority.

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through numerous public meetings, public hearings, and public workshops between 2000 and 2005, sponsored by a Town Board appointed volunteer Comprehensive Plan Special Review Board and the Town Board. A broad consensus was reached from these public participation techniques that certain actions needed to be taken to address development pressures affecting the Town. The *Plan*'s overall strategy is to guide growth in a manner that has a beneficial effect on the Town, particularly its small town rural character, its remaining high environmental quality, and its outstanding scenic resources including the Taconic State Parkway, which is listed on the National and State Registers of Historic Places. The Plan seeks to accomplish this goal while accommodating economically viable businesses in the Town including the growing residential housing market. The *Comprehensive Plan* responds to residents' desires to achieve this broad goal. Land use recommendations of the *Comprehensive Plan* appear in Chapter 9 of the Plan. Readers are encouraged to consult the full text of the proposed *Comprehensive Plan*² to obtain a full understanding of the action.

In addition to the public participation aspects of the planning process, the *Comprehensive Plan* is also based upon an examination of the most current and relevant socioeconomic statistics and trends, existing land uses in the Town, sensitive environmental features, scenic areas and scenic roads, open space and recreation, traffic and transportation. The planning process included the preparation and analysis of a series of maps identifying surface water resources, groundwater, topography, soils, agricultural resources, and current zoning. In addition, a *Buildout Analysis* was prepared by the Dutchess County Environmental Management Council to determine the potential impacts of development under the current Zoning Law and the data was used to evaluate the effects of the current prescriptions in place for land in the Town.

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² Please see Appendix A.

PROJECT PURPOSE AND NEED

A. Background and History

Historically, Milan has been one of Dutchess County's most rural towns, consisting primarily of farms, wetlands and woodlands, with small areas of more compact development in hamlet centers located at key intersections. Agriculture's role in Milan's land use has diminished substantially and today few traditional farms remain. In the 2000 Census, Milan had 65 persons per square mile, the lowest population density in Dutchess County. Yet, the combination of the Town's current suburban style Zoning with development pressures that are occurring throughout the Hudson Valley (which is the fastest growing region in New York State) has resulted in residential development shifting to the Town's open countryside and away from the hamlet centers. These new development patterns are changing the Town's rural environment in profound ways.

The 2000 US Census shows that Milan has a 25.7% increase in population from the prior 1990 Census (1,875 vs. 2,356 total residents). Milan had the highest rate of growth of any of its neighboring communities and the highest rate in Dutchess County during this time period. This rapid growth does not include the growth occurring in the seasonal housing market of predominantly New York Metropolitan area residents adding a second home in the community; it has significantly exceeded the anticipated growth contemplated in the *1986 Comprehensive Plan*. Additionally, Milan grew faster than Dutchess County as a whole, which experienced approximately an 8% increase between 1990 and 2000.

This rapid growth is part of a regional trend. Since World War II, growth has steadily moved outward from New York City, initially in Westchester, Bergen and Nassau Counties and more recently on to a new ring of counties in various stages of suburbanization and exurbanization. Dutchess County, as well as Orange, Putnam, Ulster, Columbia and eastern Suffolk Counties, are situated within this ring, and these are the areas that experienced most of the region's growth during the 1980s and 1990s and into the 2000s. Rural areas such as Milan have experienced market pressure for residential growth from people who work within commuting distance of New York City and wish to live in areas where open space is still the norm. This trend is expected to continue as people seek a quieter lifestyle and a perceived safer environment. The *Comprehensive Plan* addresses these changes, but it will only be effective if its recommendations are implemented.

The Town's current Comprehensive Plan was adopted in 1986 and it has never been kept up to date to reflect changed population and other socioeconomic trends in the Town. During the time period from 2000 to 2001, a Comprehensive Planning process was undertaken in an attempt to update the 1986 Plan, but this effort was not completed. In 2004, the Town Board appointed a Comprehensive Plan Special Review

Board (herein referred to as the CPB) and charged them with the task of developing a new and updated Comprehensive Plan for the Town. The CPB reviewed a broad range of existing material about the Town including the existing 1986 Comprehensive Plan, the work of the prior planning committee during 2000 to 2001 and the materials described above under the Description of the Action.

During 2000 and as part of the work of the previous Comprehensive Planning committee, a Community Values Survey and Public Opinion Survey were conducted; and the results were reviewed by the CPB. A comparison to the Public Opinion Survey conducted as part of the 1986 Plan revealed a consistent strong preference by residents' for Milan to retain its rural character, control development and protect the Town's environmental resources. Also in 2000, the Comprehensive Plan Committee conducted a Community Preference Survey to gain more specific understanding of the type of development residents preferred. In May 2004, the CPB held a community workshop where a group exercise was conducted to identify what Milan residents most valued about the Town. The result of the workshop validated the findings from the prior 2000 surveys.

Public participation continued through 2004 and into 2005 with two public forums in May, a booth manned by CPB members on Community Day in September, a regional workshop in October, and three public forums (two in November 2004 and one in January 2005). A draft plan was circulated to the Town Board in March 2005 and made available to residents via the Town's website, and paper copies were at Town Hall for review. Following public presentation of the draft plan, a community meeting to address the concerns of Lafayetteville residents was held in April of 2005 along with two public hearings.

In May 2005, the CPB submitted a report to the Town Board and two more public hearings were held in August 2005. After the August hearings, the Town Board prepared revisions to the plan and a new draft was circulated for public comment. The revised plan, which required a supermajority vote due to Dutchess County Planning Department comments related to a mining issue (see paragraph below), failed to garner the needed Town Board votes to be adopted. In January 2006 with new Town Board members, a *Comprehensive Plan* was accepted for review. The process for adoption began again including compliance with the SEQR process, submission to Dutchess County Planning Department for review and recommendations, additional public hearings, issuance of a Negative Declaration under SEQR and then final adoption on January 26, 2006. Throughout the entire six year process, beginning in 2000 with the Community Values Survey, the majority of public sentiment demonstrated support for the goals and recommendations articulated in the 2006 *Comprehensive Plan*.

In May 2006, a lawsuit initiated by Red Wing Sand and Gravel (herein referred to as Red Wing), was filed against the Town challenging the Comprehensive Plan³ and an associated zoning amendment⁴ which eliminated a “Floating Light Industrial” (FLI) Zoning District that would have allowed both light and heavy industrial uses, such as mining, virtually anywhere in the Town. Residents expressed overwhelming opposition to industrial uses being potentially permitted almost anywhere in the Town under the FLI district in the current Zoning Law. Red Wing has been seeking State and Local approvals to operate a sand and gravel mine in the Town during a similar time period as the Town was conducting the Comprehensive Planning process. While the lawsuit included allegations of the Town failing to take the requisite "hard look" under SEQR, the New York State Supreme Court, in February of 2007, ruled in favor of Red Wing on procedural errors associated with adoption of the 2006 Comprehensive Plan, thus resulting in the Plan alone being annulled. The Court did not render an opinion on whether the Town Board took the requisite "hard look" prior to adopting the 2006 Plan⁵.

The Town Board, in contemplating the implications of the Court decision, remains confident the substance the Comprehensive Plan remains valid and is a direct reflection of the residents' vision for the future of Milan. However, the Town Board without an opinion from the Court on the "hard look" allegation and with the potential for additional litigation from Red Wing determined that it is in the best interests of the Town to proceed with a DGEIS to clearly demonstrate the hard look compliance with SEQR. The Town Board has reintroduced the 2006 Comprehensive Plan as the 2007 Comprehensive Plan and this DGEIS addresses the potential impacts of adoption.

B. Public Need

The proposed 2007 *Comprehensive Plan* identifies a set of community values and priorities driven by the extensive public participation process as described above in the DGEIS and in greater detail in the 2007 *Plan*. These values can be summarized as follows:

- ◆ Maintain the rural character of Milan.
- ◆ Remain (primarily) a residential community.
- ◆ Enable small-scale and limited commercial activity.
- ◆ Protect open space and natural resources
- ◆ Keep Milan affordable and accessible to current residents.

³ Local Law #1 of 2006.

⁴ Local Law #2 of 2006.

⁵ Decision, Order and Judgment of Hon. James V. Brands, dated February 9, 2007, entered February 15, 2007 in [Red Wing Properties, Inc. v. Town of Milan et al](#), Dutchess County Index No. 2883/06.

To assist in describing the term "rural", the CPB relied upon the New York State Legislative Commission on Rural Resources' measure, which defines a rural community as one with a population density of less than 150 people per square mile. In 2000, the population density of Milan was 65 persons per square mile and 80 persons per square mile when second home (seasonal) residents are accounted for in the total population. To gauge the impacts of the current Zoning regulations on the future population density, a buildout analysis was conducted. The Buildout reports a total of 9,805 acres of land available for development, which could result in an additional 2,356 lots. This analysis projects that total population of the theoretical buildout would result in 8,529 residents creating an estimated population density of 236 people per square mile. Under this scenario, which could occur under existing Zoning, the Town would no longer be classified as a rural community, but rather would shift to a more suburban community, in direct conflict with the long-term vision of Town residents.

In summary, the 2007 *Comprehensive Plan* has been determined necessary by residents and Town officials because: 1) the Town's current *Comprehensive Development Plan* is over 20 years old, New York State Town Law mandates periodic review of a comprehensive plan, and good planning dictates a review (update) every 5 to 10 years⁶; 2) the current *Comprehensive Development Plan* is based upon statistics and trends that are up to 26 years old; 3) population growth in the Town has been significantly more rapid than was projected in 1986; 4) development pressures are expanding north into the Town from the New York metropolitan area due to easy access to the Town from the Taconic State Parkway; 5) there has been a marked increase in subdivision activity; 6) the comprehensive plan provisions of New York State Town Law (i.e. § 272a) were completely overhauled in 1992, setting forth new procedures and guidelines governing the preparation and effect of town comprehensive plans; and 7) the 1986 *Comprehensive Development Plan* document is not reflective of state of the art planning techniques and growth management tools refined over the past few decades to deal with the increasing pressures of suburban style (sprawl) development in rural areas.

Since the 1986 *Comprehensive Development Plan* was adopted, Milan has experienced rapid growth that has been transforming the Town from a predominantly rural-agricultural community towards a path of a suburban-residential community. Population increases in Milan have exceeded the countywide average and the number of subdivision applications has increased 2.5 times from 2003 (28 applications) to 2004 (72 applications). Open spaces, agriculture and scenic roads have been particularly affected by this new growth. The 2007 *Plan* recommends a number of changes to the Town's land use controls to retain the Town's rural character while accommodating development in appropriate locations.

⁶ American Planning Association

C. Objectives of the Project Sponsor

The objective of the project sponsor is to adopt a new *Comprehensive Plan* to respond to the public charge to protect Milan's rural character, environmental resources and quality of life and the manage rapid rate of growth experienced in the past decade. That charge was evidenced in numerous public participation techniques, outlined in Chapter 1 of the *Plan*, which began in 2000 as part of the planning process for development of the Town's 2007 *Comprehensive Plan*.

D. Project Location

The proposed study area for this DGEIS is the entire Town of Milan, Dutchess County, New York, as shown on Figure 1, which displays its location in Dutchess County. Figure 2 illustrates the Town of Milan and its road system. Additional figures, which illustrate the many environmental resources and background information collection undertaken as part of the planning process, can be found in Appendix A.

E. Benefits of the Action

The proposed action has the potential to provide the following public benefits if the 2007 *Comprehensive Plan* is adopted as written and its recommendations are implemented by direct actions of the Town Board, Planning Board and others. It will establish new policies and recommit to existing Town policies to:

- ◆ Preserve the Town's rural character and quality of life.
- ◆ Protect and enhance the quality of the Town's natural, cultural, historic and scenic resources.
- ◆ Protect environmentally sensitive areas such as steep slopes, wetlands and floodplains.
- ◆ Preserve and enhance the historic hamlet areas of Lafayetteville and Rock City.
- ◆ Ensure an adequate supply of groundwater for present and future generations.
- ◆ Encourage small-scale and limited commercial activity consistent with the Town's small town character including the continuation of agriculture.
- ◆ Encourage affordable housing by providing a mix of housing to accommodate households of all ages, sizes and incomes.
- ◆ Protect the visual quality and aesthetic character of the Town.
- ◆ Allow for more compact traditional neighborhood development in appropriate locations that will extend greater opportunities for traditional

community living, working, housing, and recreation to all residents of the Town.

- ◆ Stabilize the rate of residential development and thereby slow the demand for community services, which will have a beneficial effect on local property tax rates including the tax rates of school districts encompassing Milan but that are sited in Red Hook, Rhinebeck or Pine Plains.

F. Approvals and Advisory Review

The action consists of adoption of the proposed 2007 *Comprehensive Plan* by resolution, under the provisions of §272-a of New York State Town Law. This action requires legislative approval by the Town Board, which is solely responsible for adoption of the proposed *Comprehensive Plan*. The Dutchess County Department of Planning and Development has review responsibilities under General Municipal Law 239-m, but no approval authority. No other local, state, or federal approvals, permits or funding are required. However, the Town was the recipient of a Hudson River Valley Greenway grant, which assisted in the preparation of the *Plan* document.

Existing Setting, Impacts & Mitigation

This section of the DGEIS document describes the existing environmental conditions of the Town of Milan, the potential impacts of the proposed action, and the necessity of mitigation measures. The level of detail provided in the descriptions is reflective of the generic impacts anticipated as part of the action. A generic format is appropriate because adoption of the proposed 2007 *Comprehensive Plan* will have a wide application, will affect all land in the Town, and will have generic or common effects. Adoption of the proposed *Comprehensive Plan* will provide for a number of new and revised land use policies to guide conservation and development of the Town into the near future. It will provide a rational basis for future changes in the Town's land use regulations. The 2007 *Comprehensive Plan* is a direct result of a planning process that began in 2000 as described in Chapter 2 Subsection A of this DGEIS.

The proposed *Comprehensive Plan* is consistent with New York State Town Law's mandate that "Among the most important powers and duties granted by the legislature to a town government is the authority and responsibility to undertake town Comprehensive Planning and to regulate land use for the purpose of protecting the public health, safety and general welfare of its citizens" [N.Y.S. Town Law § 272-a.1(b)]. The *Comprehensive Plan* reflects the wishes of Town residents, as expressed in a community values survey, a community preference survey, at several broadly promoted public forums, and numerous public meetings and public hearings held between 2000 and 2006, and the work of a CPB, meeting regularly in open session since April 2004. A broad consensus was reached from this extensive outreach process that certain actions needed to be taken to address development pressures in a manner that has a beneficial effect on the character of the Town, particularly its small town rural character, environmental quality, natural and cultural resources, while also accommodating economically viable businesses in the Town and the growing residential housing market. The *Comprehensive Plan* responds to residents' desires to achieve this broad goal.

Readers are encouraged to consult the full text of the proposed *Comprehensive Plan* to obtain an understanding of the proposal.⁷

Potential impacts and mitigation measures for the proposed *Comprehensive Plan* are discussed below. Adoption of the proposed *Comprehensive Plan*, by itself, is not expected to result in any significant adverse environmental impacts because the *Plan* consists of recommendations and policy statements only and it will not directly affect or authorize specific land development activities. Moreover, many of the policies in the *Comprehensive Plan* can be considered themselves mitigation measures for possible future impacts on the environment since they are designed to limit development in areas of environmental sensitivity by requiring a careful evaluation of the natural and cultural resources before development can occur. The effect of these policies will be to protect and preserve the natural and human environment of the Town. The Town's existing environmental setting, which is summarized in each section, is more fully discussed in the 2007 *Comprehensive Plan*, which is referenced herein. Copies of the 2007 *Plan* and this DGEIS are available on the Town's website (<http://www.milan-ny.gov/townplanning.html>), paper copies of the DGEIS and the entire *Plan* including all *Plan* appendices containing the background studies and documentation of the Planning process, are available at the Office of the Town Clerk, and the proposed *Plan* document (excluding the appendices) has been included in this DGEIS as Appendix A.

LAND

A. Existing Environmental Setting

The Town of Milan is located in the central hilly area of Northern Dutchess County where hills and ridges rise to elevations from roughly six hundred feet to more than 900 feet. Much of the land has slopes that exceed 15 percent, and many areas exceed 25 percent slope, which can limit and severely restrict extensive development. Town residents rely on septic systems for sanitary sewage disposal and such systems cannot be sited in areas where slopes are 15 percent or greater. The 1986 *Comprehensive Plan* included an analysis of the land characteristics (steep slopes, potential flooding and water areas, high water table, shallow depth to bedrock and impermeability) to determine the suitability for land development. The analysis concluded that just 3,525 acres of the Town's total acreage of 23,042 has only slight or moderate limitations. This represents 15.3 percent of the Town's land area that may be suitable for development but this does not preclude development in areas with more limitations. Development in environmentally restrictive areas generally means the potential for adverse impacts

⁷ See Appendix A.

increases, such as erosion, flooding, habitat loss, surface and groundwater degradation, and the expense of developing and maintaining the land is increased to cover the additional engineering costs.

B. Potential Environmental Impacts & Mitigation

The *Comprehensive Plan* calls for a number of actions to protect the Town's land and other natural resources. These include the adoption of a ridgeline protection overlay district, logging and land clearing controls, a steep slopes overlay district to protect sensitive areas from erosion, improper siting of septic systems and damage to important habitat areas. The *Plan* recommends the existing Floating Light Industrial Zoning district should be revised and certain uses eliminated to reflect the types of uses, which the residents of the Town deem compatible with the Town's rural character. The floating zone technique allows potential large scale industrial uses to locate within residential areas of the Town. Throughout the *Plan's* public participation process, this issue was raised repeatedly and the overwhelming public sentiment was to eliminate the floating zone concept for industrial uses and rather identify the areas most appropriate for smaller scale truly "light" industrial uses. Serious concern for uses which rely upon intensive trucking operations, such as such as creamery/bottling plants, mining, motor freight terminals, recycling businesses, transportation terminals and wholesale businesses were expressed by the public.

The proposal for a rezoning of a portion of a residential zoning district, using the floating zoning technique, to allow a sand and gravel mining operation in a location that is far removed from a major highway resulted in strong public opinion to eliminate mining from the Town entirely. This sentiment was driven by concerns for school bus safety, loss of property values, road deterioration and increased costs for maintenance, noise, dust and vibration from heavy truck traffic and the activity of mining itself on a residential district where residents expect a higher quality of life than would occur in an industrial zoning district. The *Plan* responded to these issues by suggesting light industrial uses more in keeping with the Town's rural and residential character and the ability of the existing infrastructure to accommodate such uses.

The use of a cluster subdivision technique known as conservation or open space subdivision design is also recommended in the *Plan*. Conservation subdivision design identifies the "primary" and "secondary" conservation areas of a parcel including but not limited to areas like wetlands, steep slopes, floodplains, streams, agricultural soils, scenic views and forest areas. After the conservation areas have been mapped, the home sites, lot lines and roads are tailored to the site to avoid those areas. The process results in a clustered subdivision under § 278 of New York State Town Law, which incorporates those areas having the greatest environmental sensitivity into the area of permanently protected open space. This concept is consistent with the Town's current

Zoning regulations but represents a more effective and environmentally sound means of accomplishing open space and natural resource protection.

In conjunction with the conservation subdivision design process, the *Plan* introduces the concept of a Rural Space Overlay Zone. This overlay is designed to be applicable to larger lots in all residential zones (except for the Hamlet district), on parcels twenty acres and greater, allowing a density of one dwelling unit for each 10 acres (but not a 10 acre lot) and requires use of the conservation subdivision design process described above. Using this technique, the Town's overall buildout would be reduced from an additional 2,345 lots to 1,067 lots. This would maintain a population density of 165 persons per square mile, roughly in keeping with New York State's definition of rural. The proposed reduction in density is necessary if the Town intends to maintain its status as a rural community.

The *Plan's proposal* to reduce density is also likely to reduce the potential negative impacts on land that are attributable to human use and interaction. Examples of detrimental human impacts on land include the overuse of lawn chemicals and fertilizers, the alteration, removal or destruction of native habitat areas, the loss of agricultural soils, and the removal of rock and alteration of existing land forms. These potential impacts on land also have adverse impacts on water, flora and fauna and agriculture (including both existing and potential farming on productive soils).

Finally, the *Plan* recommends the Town identify and establish Critical Environmental Areas (CEA) in accordance with 6NYCRR § 617.14(g). The purpose of a CEA is to raise awareness of sensitive environmental features and to work towards protection of such features.

The *Plan* recommends adoption of formal regulations to govern development on these sensitive lands to protect the environment and to direct development to more suitable areas where such resources are lacking or have already been altered by human activities. Implementation of these recommendations would result in avoidance or minimization of potential adverse impacts on land resources. No further mitigation is necessary.

WATER RESOURCES

A. Existing Environmental Setting

The Town of Milan contains many lakes, ponds, streams and wetlands. Three of the larger lakes, Round Pond, Spring Lake, and Silver Lake are larger than 25 acres. No significant point source of pollution exists in the Town. Non-point sources of water pollution however, especially from subdivisions and other forms of development, represents the greatest threat of pollution in the Town.

All waters in the Town eventually flow into the Hudson River. The Hudson River Watershed includes several streams: the Roeliff Jansen Kill, the Saw Kill, Stony Creek, the Landsman Kill and the Crum Elbow Creek. The Wappinger Creek, Dutchess County's largest watershed, includes the Little Wappinger Creek and the Wappinger Creek in the Town flowing southward through several other towns before entering the Hudson River.

Milan contains a large number of freshwater wetlands; including mapped New York State protected freshwater wetlands and Federal Jurisdictional wetlands under the jurisdiction of the US Army Corps of Engineers. A portion of Dutchess County Wetland Complex #27 lies within the Town and is known as the Milan Window. The US Fish & Wildlife Service describes the Milan Window as follows:

*The **Milan Window** site boundary follows Milan Hollow Road from Bulls Head Road north and west to junction with Pond Road, then west to the fork in the electric transmission lines, and south along the western branch of the transmission lines to Fiddlers Bridge Road. It then proceeds east to Schultzville, and north along Centre Road to the Little Wappinger Creek crossing, then approximately north-northeast to the junction of Bulls Head Road and Milan Hollow Road. The site boundaries include the Silver Lake - Mud Pond - Long Pond chain of lakes and associated wetlands, the outwash plain matrix, and buffer zones to protect the lakes and to accommodate known turtle nesting areas. These boundaries encompass the portions of the Milan Window currently known to support rare native species; the boundaries may need expansion northward, possibly as far as Route 199, with continued biological surveys. Another area that should be considered as a potential addition to the site is the extensive, ledged, forested upland on the west side of the valley along with The Nature Conservancy's Zipfelberg Bog preserve on Zipfelberg Road (Frost Road) on the western edge of that upland.. The Milan Window is so named because the younger bedrock of the valley floor is surrounded by older bedrock uplands. The valley is carbonate rock (dolostone and limestone) overlain by glacial outwash. The surrounding hills are mostly slate overlain by till. Soils in the valley include carbonate-derived and slate-derived types. Four lakes lie in the valley, from north to south: an unnamed lake, Silver Lake, Twin Island Lake (Mud Pond), and Long Pond. The lakes are circumneutral bog lakes with a variety of wetlands ~ wooded swamps, cattail and swamp loosestrife (*Lysimachia terrestris*) on floating mats, tussocky marshes, and acidic shrub bogs ~ in coves and behind islands. There are also areas of waterlilies (*Nymphaea* spp. and *Nuphar* spp.) and submerged vegetation. Private residences, institutions, and a recreational vehicle campground border the lakes. There are also wetlands that are isolated from the lakes; these include buttonbush (*Cephalanthus occidentalis*)-dominated vernal pools, red maple (*Acer rubrum*) swamps, and a fen-like meadow. Hardwood swamps border Little*

Wappinger Creek in places. Uplands include hardwood forests, old fields, and farmland.

Included in the Milan Window is an area known as the Lush Swamp, which is depicted on the Town of Milan Natural Features Map found in Appendix A of the proposed *Comprehensive Plan*. While the State wetlands are regulated by the Department of Environmental Conservation and include a minimum 100 foot upland adjacent regulated area or buffer, the Federal Jurisdictional wetlands do not have similar protections in all cases. The Army Corps regulations generally focus on actions which require a permit; however, some wetland encroachments are allowed by right (provided certain conditions are met) and there is no upland buffer area required.

Groundwater is virtually the sole source of water supply for residents in the Town of Milan. There are about 3,100 acres of land underlain by designated aquifers in the Town, with approximately 71% of that area being a Zone I designation.⁸ Groundwater is particularly susceptible to contamination and once contaminated, can render individual and community water supplies unusable for indefinite periods. The slow movement and minimal attenuation of contaminants in groundwater, the impracticality of remediation, and the high cost of water treatment make prevention the only really effective means of protecting groundwater quality.

B. Potential Environmental Impacts & Mitigation

Groundwater resources are critical to future development in Milan. Since much of the Town relies on well water for domestic needs, it is essential to ensure that there is an adequate supply of safe drinking water for future development, and to protect this supply from potential pollution.

Milan's streams, wetlands, lakes and other surface waters are valuable resources not just in terms of water supply, but also for their contribution to the Town's diverse beauty and recreation potential. According to a report released by the Center for Watershed Protection⁹, *"Wetlands provide important ecological services that contribute to watershed functions, most notably in pollutant removal, flood attenuation, groundwater recharge and discharge, shoreline protection, and wildlife habitat. The benefit of wetland ecological services generally increases as total wetland cover increases in a watershed. Numerous researchers have quantified the economic benefits provided by wetlands in a watershed. When wetlands are lost or degraded by land development, these services must often be replaced by costly water treatment and flood control infrastructure. Given the many watershed services wetlands provide, wetland*

⁸ Dutchess County Environmental Management Council. In Zone I, permeable deposits directly overlie the aquifer. Contaminants can move directly downward to the underlying aquifer with little or no natural filtration by the soil because the water is moving too quickly here.

⁹ *Direct and Indirect Impacts of Urbanization on Wetland Quality*. December 2006. Page 5.

conservation and restoration should be an integral part of a comprehensive local watershed management strategy."

The residents of Milan in all of the community surveys and in the numerous public meetings expressed their support for the protection of water resources. The 2007 *Comprehensive Plan* specifically recommends developing water resource regulations to protect water quality, existing and potential water supplies and critical habitat areas. This recommendation is consistent with the New York State Department of Environmental Conservation's recommended critical area protection programs, discussed in the *FINAL Upstate New York Groundwater Management Program* (Division of Water, 1987) document. This document states that:

Land use controls are among the most important mechanisms available to effectively manage groundwater resources. Land use is a very basic determinant of potential groundwater contamination as well as of groundwater use. . . where protection of critical groundwater resources is a sufficiently important and valid public purpose, there appears no reason why carefully developed local land use controls should not be an essential part of a local groundwater protection program.

Another respected publication entitled *Local Groundwater Protection*, (American Planning Association, 1987) corroborates the DEC publication by stating that:

Zoning and subdivision ordinances are effective means of controlling the location and performance of various land uses that can threaten groundwater resources. . . Land use controls are particularly well suited to sensitive area protection programs because of their geographic basis.

The *Comprehensive Plan* recommends the issues related to water resources protection incorporate science-based decision making to the maximum extent possible. In part, the *Plan* recommends the Town undertake a natural resources inventory and a town-wide habitat analysis to serve as a basis for the science-based approach. The examination of potential Critical Environmental Areas is also a recommendation which may lead to identification of specific water resources for protection.

Implementation of these recommendations would result in avoidance or minimization of potential adverse impacts on water resources. No further mitigation is necessary.

AGRICULTURAL RESOURCES

A. Existing Environmental Setting

Agriculture is an important contributor to the Town's character and quality of life with 82% of the land in Milan devoted to agriculture, forest, recreation or other public open

space uses. From a fiscal standpoint, working landscapes and other open space uses are a tax positive land use requiring less in municipal services than it contributes to the tax base. The public (89% according to the Community Value Survey) expressed a strong desire for protecting agriculture in Milan. Even though the role of agriculture has diminished in Milan, the resources to conduct farming activities exist and could be reactivated in the future. Significant efforts are underway to advance agriculture in the Hudson Valley by the New York State Department of Agriculture and Markets, the American Farmland Trust, and others. If agricultural resources (especially important agricultural soils) are lost to development, farm viability, food security, open space and rural character are greatly reduced or eliminated.

B. Potential Environmental Impacts & Mitigation

The *Comprehensive Plan* recommends maintaining Milan's population density at the New York State threshold for a rural community of 150 people per square mile by employing the use of a Rural Space Overlay as described in the section on *Land* above. This can be beneficial for farming in two ways: reducing the number of potential non-farm neighbors and associated conflicts to existing farm operations; and permitting a minimum lot size that can qualify for inclusion in the Agricultural Districts whereby farms are afforded additional State protections for their operations including agricultural assessment of their land which reduces the property tax burden.

The *Comprehensive Plan* also recommends the use of the Conservation Subdivision Design planning techniques as described in the Section on *Land* above. In this planning technique, the homes in a subdivision would be clustered away from any existing farm operations including important agricultural soils. The results of the Community Values Survey showed 88.9 percent of the respondents supported a requirement for subdivision developers to dedicate land to open space.

The agricultural industry also helps to preserve the Town's scenic roads, working landscapes, and historic sites. Thus, maintaining the remaining dairy and crop farms, orchards, greenhouses, nurseries, tree, sheep and horse farms in Milan will also meet the overwhelming preference of Milan residents to preserve the Town's rural character and natural beauty. The *Plan* is consistent with the recommendations of the Dutchess County Farmland Protection Plan.

Implementation of these recommendations would result in avoidance or minimization of potential adverse impacts on agricultural resources. No further mitigation is necessary.

TERRESTRIAL AND AQUATIC ECOLOGY

A. Existing Environmental Setting

A comprehensive biodiversity study has not been conducted in the Town to date. However, the Planning Board established a policy encouraging habitat assessments as part of the subdivision review process. Through this process, the Town has ascertained some limited information on species of conservation concern. For example, through the project review process, the New York State Natural Heritage Program has indicated there is habitat in the Town for Bog Turtle (*Clemmys muhlengbergii*), a federally threatened and New York State endangered species, Blanding's Turtles (*Emydoidea blandingii*), a New York State threatened species, Indiana Bat (*Myotis sodalis*) a federal and New York State endangered species and the New England Cottontail (*Sylvilagus transitionalis*), is being considered for protection under the Federal Endangered Species Act and has been designated a New York State species of special concern.

The US Fish & Wildlife Service has indicated a portion of Dutchess County Wetland Complex #27 lies within the Town and is noted as an area of significant ecological importance. There are 36 known state and federally listed species including but not limited to Bog and Blanding's Turtles as noted above, Golden Eagle (*Aquila chrysaetos*) a New York State endangered species; Northern Cricket Frog (*Acris c. crepitans*), a New York State threatened species; American Bittern (*Botaurus lentiginosus*), a New York State endangered species; Red Shouldered Hawk (*Buteo lineatus*), a New York State endangered species; Rocky Mountain Sedge (*Carex backii*), a New York State endangered species; Swamp Cottonwood (*Populus heterophylla*), a New York State endangered species; Blue Spotted Salamander (*Ambystoma laterale*), a New York State species of special concern; Spotted Turtle (*Clemmys guttata*), a New York State species of special concern; Wood Turtle (*Clemmys insculpta*), a New York State species of special concern; Bicknell's Sedge (*Carex bicknellii*); a New York State rare plant, Bush's Sedge (*Carex bushii*), a New York State rare plant; Weak Stellate Sedge (*Carex seorsa*), a New York State rare plant; Willdenow's Sedge (*Carex willdenowii*), a New York State rare plant; Red-rooted Flatsedge (*Cyperus erthrorhizos*), a New York State rare plant; Smartweed Dodder (*Cuscuta polygonorum*), a New York State rare plant and Swamp Agrimony (*Agrimonia parviflora*), a New York State rare plant.

According to a local institute for research and education in environmental sciences and author of the *Biodiversity Assessment Manual*, Hudsonia, Ltd. has indicated that Milan has the potential to contain habitat for all of the State listed rare species. Additionally, through their work on project reviews, Hudsonia has provided a list of species known to inhabit the Town of Milan. These species are listed in Table 1 below.

Table 1: Species Known to Inhabit the Town of Milan		
Common name	Scientific name	Class
Bat, Indiana	<i>Myotis sodalist</i>	Mammal
Bear, black	<i>Ursus americanus</i>	Mammal
Bobcat	<i>Felis rufus</i>	Mammal
Cottontail, New England	<i>Sylvilagus transitionalis</i>	Mammal
Fisher	<i>Martes pennanti</i>	Mammal
Hare, snowshoe	<i>Lepus americanus</i>	Mammal
Mole, eastern	<i>Scalopus aquaticus</i>	Mammal
Mole, hairy-tailed	<i>Parascalops breweri</i>	Mammal
Moose	<i>Alces alces</i>	Mammal
Otter, river	<i>Lutra Canadensis</i>	Mammal
Pipistrelle, eastern	<i>Pipistrellus subflavus</i>	Mammal
Porcupine	<i>Erethizon dorsatum</i>	Mammal
Shrew, masked	<i>Sorex cinereus</i>	Mammal
Squirrel, northern flying	<i>Glaucomys sabrinus</i>	Mammal
Vole, southern redback	<i>Clethrionomys gapperi</i>	Mammal
Bittern, American	<i>Botaurus lentiginosus</i>	Bird
Bobolink	<i>Dolichonyx oryzivorus</i>	Bird
Cuckoo, black-billed	<i>Coccyzus [</i>	Bird
Cuckoo, yellow-billed	<i>Coccyzus [</i>	Bird
Eagle, golden	<i>Aquila chrysaetos</i>	Bird
Egret, great	<i>Egretta alba</i>	Bird
Falcon, peregrine	<i>Falco peregrinus</i>	Bird
Goshawk, northern	<i>Accipiter gentilis</i>	Bird
Grebe, pied-billed	<i>Podilymbus podiceps</i>	Bird
Grouse, ruffed	<i>Bonasa umbellus</i>	Bird
Harrier, northern	<i>Circus hudsonius</i>	Bird
Hawk, Cooper's	<i>Accipiter cooperii</i>	Bird
Hawk, broad-winged	<i>Buteo platypterus</i>	Bird
Hawk, red-shouldered	<i>Buteo lineatus</i>	Bird
Heron, great blue	<i>Ardea Herodias</i>	Bird
Kestrel, American	<i>Falco sparverius</i>	Bird
Meadowlark, eastern	<i>Sturnella [</i>	Bird
Merganser, hooded	<i>Lophodytes cucullatus</i>	Bird
Moorhen, common (com. gallinule)	<i>Gallinula chloropus</i>	Bird

Table 1: Species Known to Inhabit the Town of Milan		
Osprey	<i>Pandion haliaeetus</i>	Bird
Owl, barred	<i>Strix varia</i>	Bird
Owl, northern saw-whet	<i>Aegolius acadicus</i>	Bird
Plover, American golden	<i>Pluvialis dominica</i>	Bird
Rail, king	<i>Rallus elegans</i>	Bird
Rail, Virginia	<i>Rallus limicola</i>	Bird
Raven, common	<i>Corvus corax</i>	Bird
Sandpiper, pectoral	<i>Calidris melanotos</i>	Bird
Screech-owl, eastern	<i>Otus asio</i>	Bird
Sora	<i>Porzana Carolina</i>	Bird
Thrush, hermit	<i>Catharus guttatus</i>	Bird
Vulture, black	<i>Coragyps atratus</i>	Bird
Warbler, blackburnian	<i>Dendroica fusca</i>	Bird
Warbler, worm-eating	<i>Vermivora helmitberos</i> [Bird
Whip-poor-will	<i>Caprimulgus vociferus</i>	Bird
Woodcock, American	<i>Philobela minor</i>	Bird
Wren, winter	<i>Troglodytes troglodytes</i>	Bird
Copperhead, northern	<i>Agkistrodon contortrix</i>	Reptile
Racer, black	<i>Coluber constrictor</i>	Reptile
Snake, brown	<i>Storeria dekayi</i>	Reptile
Snake, red-bellied	<i>Storeria occipitomaculata</i>	Reptile
Snake, northern ring-necked	<i>Diadophis punctatus</i>	Reptile
Snake, eastern ribbon	<i>Thamnophis sauritus</i>	Reptile
Turtle, Blanding's	<i>Emys (Emydoidea) blandingii</i>	Reptile
Turtle, Bog	<i>Clemmys muhlenbergii</i>	
Turtle, eastern box	<i>Terrapene carolina</i>	Reptile
Turtle, spotted	<i>Clemmys guttata</i>	Reptile
Turtle, wood	<i>Glyptemys (Clemmys) insculpta</i>	Reptile
Salamander, blue-spotted	<i>Ambystoma laterale</i>	Amphibian
Salamander, Jefferson	<i>Ambystoma jeffersonianum</i>	Amphibian
Salamander, marbled	<i>Ambystoma opacum</i>	Amphibian
Salamander, slimy	<i>Plethodon glutinosus</i>	Amphibian
Sculpin, slimy	<i>Cottus cognatus</i>	Fish
Trout, brook	<i>Salvelinus fontinalis</i>	Fish

Table 1: Species Known to Inhabit the Town of Milan		
Agrimony, small-flowered	<i>Agrimonia parviflora</i>	Plant
Bladderwort, humped	<i>Utricularia gibba</i>	Plant
Bladderwort, purple	<i>Utricularia purpurea</i>	Plant
Bulrush, water	<i>Scirpus subterminalis</i>	Plant
Cherry, sand	<i>Prunus pumila</i>	Plant
Cinquefoil, three-toothed	<i>Potentilla tridentata</i>	Plant
Coontail, spiny	<i>Ceratophyllum echinatum</i>	Plant
Dodder, five-angled field	<i>Cuscuta pentagona</i>	Plant
Fern, adder's-tongue	<i>Ophioglossum vulgatum</i>	Plant
Fern, walking	<i>Asplenium rhizophyllum</i>	Plant
Fern, walking	<i>Asplenium rhizophyllum</i>	Plant
Grass, yellow-eyed	<i>Xyris difformis</i>	Plant
Lady-slipper, pink	<i>Cypripedium acaule</i>	Plant
Lady-slipper, yellow	<i>Cypripedium calceolus</i>	Plant
Pipewort	<i>Eriocaulon septangulare</i>	Plant
Rush, slimpod	<i>Juncus diffussissimus</i>	Plant
Rush, toad	<i>Juncus bufonius</i>	Plant
Sedge, prairie	<i>Carex prairea</i>	Plant
Spikemoss, meadow	<i>Selaginella apoda</i>	Plant
Spikerush, Robbins'	<i>Eleocharis robbinsii</i>	Plant

B. Potential Environmental Impacts & Mitigation

Scientific research has demonstrated that habitat fragmentation—i.e., dissecting large blocks of habitats into smaller fragments through road construction, subdivisions, and forest clear cutting—causes many species to disappear. Research by Bard College, the Institute of Ecosystem Studies, Rutgers University and others has also shown that this process can cause human health problems, such as increased incidences of Lyme disease.

The *Plan* recommends the Town conduct a natural resources inventory and a town-wide habitat analysis to gain a thorough understanding of the Town's various resources and habitats including the habitats necessary to support the species identified above. This will allow the Town to gain a better understanding of its biodiversity resources and areas which may warrant additional protections. Using the data from the resource inventory and habitat analysis, the *Plan* recommends development of an environmental overlay noting the following features: ridgelines, steep slopes, water resources, scenic roads and

vistas, agricultural soils and critical habitat areas. The creation of regulations for these sensitive areas is another recommendation.

The *Plan* offers guidance on managing development on environmentally constrained land by encouraging the use of conservation easements and conservation subdivision design. The Town's Conservation Advisory Committee is encouraged to prepare educational materials for residents regarding the use of organic pesticide, herbicide, and fertilizer alternatives and to raise awareness of the Town's environmental values and opportunities.

Implementation of these recommendations would result in avoidance or minimization of potential adverse impacts on terrestrial and aquatic resources. No further mitigation is necessary.

AESTHETIC RESOURCES

A. Existing Environmental Setting

Although much of Milan is considered scenic due to its picturesque natural features and relative lack of development dominating the roadside views, there are several special areas and features that either have exceptional views or contain unique environmental features. The Natural Features map prepared for the *Comprehensive Plan* shows these places that include seven predominant hilltops ranging from over 600 feet to 900 feet in elevation and the Lush Swamp wetland complex described above.

Given the Town's relatively low population density, lack of large commercial or industrial operations and minimal use of street lighting, the Town has acknowledged the value of its dark skies. However, no lighting standards exist in the current regulations.

Since there are currently no design guidelines or standards in place for controlling siting and other aspects of new residential and non-residential construction, the Planning Board has little control over the visual appearance of the ridgelines and other areas with scenic and aesthetic characteristics. The current Zoning does not protect aesthetic resources because there are no standards in place to identify significant visual features and to control their alteration in the development approval process.

B. Potential Environmental Impacts & Mitigation

The *Comprehensive Plan* cites protection of the rural residential quality of life, the environment, and scenic beauty as the highest priorities for residents. The top five physical features that were cited as important to maintain, according to the Community

Values Survey are Scenic Beauty (61.8%), Mature Forests (61.1%), Open Space (57.3%), Agricultural Lands (55.6%) and Scenic Roads (51.3%).

The *Comprehensive Plan* recommends preventing strip commercial development, particularly along the Route 199 corridor, the Town's major east-west roadway, and instead nominating Route 199 as a New York State Scenic Byway and the joint preparation of a Route 199 Corridor Management Plan with the neighboring municipalities of Red Hook and Pine Plains. Results of the Community Values Survey indicated 73 percent of the respondents showed support for a Scenic Roads program, a recommendation of the proposed 2007 *Plan*.

The *Comprehensive Plan* recommends the adoption of a Ridgeline Overlay District to guide the appearance and visibility of development in the Town's highest elevations, not to eliminate development but to better control it in the Town's hilly terrain in such a manner that the scenic quality of the Town is protected.

Finally, the *Plan* recommends the adoption of a Scenic Resources Overlay district which identifies areas of specific concern regarding their contribution to the rural character and scenic qualities of Milan. The *Plan* also recommends the development of lighting standards to ensure its dark skies remain and that lighting is compatible with the rural character.

Implementation of these recommendations would result in avoidance or minimization of potential adverse impacts on aesthetic resources. No further mitigation is necessary.

OPEN SPACE AND RECREATION

A. Existing Environmental Setting

The Town of Milan contains three State multiple use recreation areas (MUA) including the Lafayetteville MUA, Roeliff Jansen Kill MUA and a portion of the Stissing Mountain MUA. There is Wilcox Park, a 615 acre County park and a Town recreation park. The Town recreation park contains baseball and softball fields, a basketball court and a playground area. Wilcox Park has opportunities for camping, picnicking, swimming, hiking, boating, fishing and other activities.

The Town has an active Recreation Department which hosts three leagues on the Town's fields including a Little League, the Girls Taconic Softball League and the Dutchess County Volunteer Fireman's Softball League. The *Plan* notes there is a lack of walking and biking trails and expresses the desire of residents to include such amenities in the Town.

The Town's current rural population density is revealed on the landscape where the predominance of open space areas is easily detected throughout the Town. These privately owned areas contribute to the scenic, natural and rural characteristics of the Town. The *Plan* calls for the preservation of important open space areas so that the rural characteristics of the Town can be maintained and enhanced.

B. Potential Environmental Impacts & Mitigation

Town residents have consistently established, through the public input of the 1986 Plan and the more recent planning processes as described above, that protection of the rural character, scenic and environmental qualities of the Town are the foremost priorities in the Town. A key recommendation is for the Town's Conservation Advisory Committee to conduct a Natural Resource Survey to serve as a basis for sound scientific decision making regarding land uses. There are many features of the Town that contribute to the scenic beauty of the open space lands, such as those described in the section on land, water, and terrestrial and aquatic ecology. This plan urges sensitive siting of structures to avoid natural constraints of the land and scenic vistas and protection of these resources will also assist in the protection of open space.

The *Plan* acknowledges the importance of providing suitable, unfragmented habitat for all creatures, and emphasizes the need to understand habitat areas better. The *Plan* calls for a specific study to map known habitats and to identify such areas especially areas for threatened or endangered species and for biodiversity.

The *Comprehensive Plan* recommends adoption of the Rural Space Overlay. In addition to providing benefits in terms of impacts to land, water, aesthetics, terrestrial and aquatic ecology, and agriculture as described above, this is a technique to reduce sprawl by eliminating "cookie cutter" subdivisions while providing for protection of larger parcels with contiguous open space preserved. Similarly, employing Conservation Subdivision Design ensures each area of residential development has a component of open space associated with it.

The *Plan* notes three areas of recreation within the Town, but encourages the establishment of a Trails Committee to examine local and regional trail connections. This is of particular importance in a rural community where sidewalks are limited in many areas of the Town. Trails can provide a safe "off-road" alternative for those seeking active recreation and reprieve from the auto dependent nature of existing development patterns.

Implementation of these recommendations would result in avoidance or minimization of potential adverse impacts on open space and recreation resources. No further mitigation is necessary.

CRITICAL ENVIRONMENTAL AREAS

A. Existing Environmental Setting

The Town has no designated critical environmental areas in the Town of Milan at this time.

B. Potential Environmental Impacts

The *Comprehensive Plan* recommends the Town examine soils, slopes, water resources, and habitats, scenic, cultural and historic resources to determine areas that may qualify for eligibility under the criteria specified in the SEQR regulations for Critical Environmental Areas (CEA's). While the establishment of a CEA is not a development control, it does provide lead agencies with a tool to obtain the fullest procedural assessment of potential environmental impacts under SEQR. Proposed actions within or adjacent to a CEA require the project sponsor to address the impacts on the identified resource(s) contained in the CEA. This recommendation is consistent with the Town's desire to protect its environmental resources to the maximum extent possible.

These recommendations will have beneficial effects on areas deemed to be of significant environmental concern. Therefore, no mitigation is required.

TRANSPORTATION

A. Existing Environmental Setting

At the time of the 1986 *Comprehensive Plan*, the Town of Milan contained approximately fifty (50) miles of locally maintained roads. Since that time, the Town Board adopted a policy which discourages the creation of additional town roadways. This has resulted in only an additional 3 miles of town controlled roads since 1986.

The Town Highway Department seeks to limit the width of Town roads to 18 feet as a traffic speed control mechanism. This is consistent with the recommendations of the National Institute of Home Builders, American Society of Civil Engineers, and Institute of Transportation Engineers, as detailed in a publication entitled *Residential Streets*, published by the Urban Land Institute. In addition to the effect on controlling speed, the 18-foot width reduces paving and snow removal costs while contributing to rural character.

Available traffic count data was reviewed for County and State highways. The limited data available at this time shows that traffic on the Taconic State Parkway (TSP) has changed little over the last two decades; traffic on Route 199 has increased dramatically

on segments both east and west of the TSP (most rapidly—140%—on the segment east of the TSP toward Pine Plains); and traffic on two comparable county road segments has increased by 85%. The involved highway departments anticipate no required highway expansions in the foreseeable future.

The lack of public transportation noted in the 1986 report still exists. The low population density limits the feasibility of public transportation and forces reliance on the private automobile for transportation.

B. Potential Environmental Impacts & Mitigation

The *Plan* recommends the Town strive to maintain a rural population density and as such the actions taken to control the rate and amount of development will affect existing transportation conditions. By carefully designing land use regulations, transportation impacts can be minimized. In addition to the Rural Space Overlay, the *Plan* recommends the Town institute the use of the Planned Purpose Development (PPD) technique to allow for greater flexibility in design to achieve a desired land use outcome. In a PPD, several parcels can be planned as a single unit and can contain both residential and commercial uses. The Town seeks to accommodate three types of PPDs for senior living space, affordable housing and traditional mixed-use neighborhoods through the use of PPDs. The recommendation for PPDs will result in a mix of land uses and provide alternative transportation methods to automobile travel.

Other recommendations include the development of an Official Map to create an inventory of roads indicating maintenance responsibilities (Town, County, State or private) and other characteristics such as dirt or seasonal use and it can also be used to identify potential locations of future parks and trails. This map can also be used for the future designation of scenic roads and the *Plan* suggests a scenic roads program be implemented. Dirt roads should be retained according to the *Plan*, the Town Board is to consider the criteria under which new town roads might be accepted, and the County is encouraged to develop bike paths on county roads throughout the Town. Finally, the Town Board is to establish a trails committee to examine possible linkages with regional connections and to develop local trails.

The *Plan* notes the greatest impact on transportation is likely to be associated with the development proposed for the Carvel site which is located partially in Milan and predominantly in the Town of Pine Plains. This project is undergoing a SEQR review with the Town of Pine Plains Planning Board acting as Lead Agency. The Town of Milan is participating as an Involved Agency and the process to create a *Draft Environmental Impact Statement* has begun and is in the completeness review stage. The document has not been deemed complete and therefore the public is awaiting the opportunity to comment. The impact of the development will be addressed in that process and are beyond the scope of this DGEIS.

Implementation of these recommendations would result in avoidance or minimization of potential adverse impacts on transportation. No further mitigation is necessary.

GROWTH & COMMUNITY CHARACTER

A. Existing Environmental Setting

Historically, Milan's development pattern has been rural, consisting primarily of farms and woodlands, with small areas of more compact development in hamlet centers located at key intersections. There are only a few traditional farms left today and residential development over the past several decades has shifted from other areas into the open countryside.

During the public participation process, the overriding goal for the Town is to maintain its rural qualities. To assist the CPB in determining a definition of rural, they relied upon two items. One is the New York State definition, which uses the quantifiable measure of population density at less than 150 persons per square mile. The second means used by the CPB was to ask the public and from those discussions, the CPB concluded rural can be described as a landscape where the predominant feature is the natural environment such as open space, farmland, woodlands and water bodies, and the intrusion of development is minimal. The people of Milan expressed rural in a variety of terms including open fields and active agriculture; forested slopes, undisturbed wetlands and ample wildlife habitat. To some, rural implies historical agricultural structures and fences along the road and for others, rural means dark skies at night, quiet and solitude. Most embrace the characteristics described above as rural.

The results of the Community Values Survey revealed strong consensus among Milan residents on issues pertaining to conservation. The vast majority of residents favored farmland and open space protection and the preservation of natural and scenic resources. However, a clear mandate did not emerge on the issue of development. To more clearly define how residents desire to see the Town grow and the types of development they favor, the Town conducted a Community Preferences Survey. In this survey, residents viewed 25 images and were asked to rate each one with a positive or negative number. The highest rated slides, those with the highest positive responses, were the ones which depicted no apparent development. The lowest rated slides were those that illustrated uncontrolled development and development oriented towards the car. Slides depicting managed development, however, also received positive responses.

Specifically, three categories of development were viewed and rated including commercial, residential and ridgeline. For commercial development, Milan residents prefer good examples of traditional village commercial streets with narrow roads, small, architecturally varied shops, buried or concealed electrical wires and an abundance of pedestrian amenities. They did not prefer a suburban style "town center" even when

this development is heavily landscaped and includes deep setbacks and attractive signage. In terms of residential development, residents found large lot residential subdivisions acceptable; however there is a preference for clustered residential development with permanently protected open space, extensive landscape buffering, narrow roads and buried utility lines. Finally, the survey revealed a strong preference for ridgeline preservation. In other words, Milan residents are willing to accept development so long as it complements the existing community character and is not in stark contrast to it.

The CPB reports the key issues facing Milan are a function of population growth. The 2000 US Census shows that Milan had a 25.7% increase in population from the prior Census (1,875 in 1990 vs. 2,356 residents in 2000). Milan had the highest rate of growth of any of its neighboring communities and the highest rate in Dutchess County during this time period. This rapid growth does not include the amount of second home residents in the community and it exceeded the anticipated growth contemplated in the 1986 *Comprehensive Plan*. Additionally, Milan grew faster than Dutchess County, which experienced approximately an 8% increase between 1990 and 2000. The population density reported at the time of the 2000 Census was approximately 65 persons per square mile for full time residents. This number rises to 80 persons per square mile when second home residents are accounted for, but the number remains below the State definition for a rural community (below 150 persons per square mile). Additionally, there has been a dramatic increase in the number of residential subdivision applications to the Town in recent years. Prior to 2003, the average number of applications was below twenty; however, there were 23 in 2003 and 72 in 2004.

Housing prices increased 78% during a five year between 1999 and 2004 from a median of \$178,000 to \$317,500. The average selling price of a home in 2004 was \$412,000. Affordability is becoming an issue in Dutchess County and Milan is no exception. The median household income at the time of the 2000 Census was \$54,491 and almost one-third of the households in the Town had an income less than \$35,000. The Dutchess County Smart Growth Housing Task Force Report (2001) reports "Considering the significant increase in median sales price in the past two years, the median income household can no longer afford the median priced home..." In evaluating an affordable home price, the CPB notes an affordable home in the Red Hook School District in 2004 was \$237,000. In comparison to Milan's median income, only half of the households could afford a house valued above \$198,000. The CPB also noted that the Town cannot determine the market value of housing in the community, but it could take action when planning for the future to help provide some level of affordable housing.

In the Town's existing Zoning regulations, the purposes of the Hamlet district are consistent with the goals of the proposed *Plan* including providing a wide range of

housing opportunities and a mix of land uses. However the current zoning standards do not provide the necessary flexibility so that the hamlets can fulfill this role.

The Town's current Zoning regulations permit two and multi-family housing by special use permit in all the primary residential districts. Mobile homes are a permitted use, although they were viewed negatively in the survey.

B. Potential Environmental Impacts & Mitigation

In all public meetings, citizens affirmed their desire for small-scale, locally owned, service oriented enterprises in designated areas that serve the needs of Milan's population, travelers and tourists. Citizens are opposed to fast-food formula businesses and large shopping outlets or other establishments that invite high automobile traffic or truck traffic. Such development design is seen as potentially destructive to the rural character of the community and destroying the scenic beauty of highways. The *Comprehensive Plan* recommends formally integrating the *Greenway Compact Guides* into the Zoning Regulations to address issues related to planning, siting and construction of all new development, including such features as landscaping, signage, parking and lighting, to encourage innovations in design that reflect vernacular site layout and architectural styles.

The *Comprehensive Plan* crafts a vision for Milan that preserves its rural character, scenic beauty and environmental resources while also planning for the inevitable development that is forecasted for its future. The *Plan* recommends establishment of PPDs as a technique which will allow for an alternative to sprawl where growth can be developed in a more compact development pattern. Specifically, the 2007 *Plan* recommends provisions for more compact development in the hamlets of Rock City and Lafayetteville.

The buildout conducted for the *Plan* reports a total of 9,805 acres of land available for development which could result in an additional 2,356 lots. This analysis projects that total population of the theoretical buildout would result in a total population of 8,529 and a population density of 236 people per square mile. Under this scenario of existing Zoning, the Town would no longer be classified as a rural community, but rather a suburban community. The *Comprehensive Plan* recommends maintaining Milan's population density below the New York State threshold for a rural community of 150 people per square mile by employing the use of a Rural Space Overlay as described in the Section on Land above. The *Comprehensive Plan* also recommends the use of the Conservation Subdivision Design planning techniques as described in the Section on Land. The results of the Community Values Survey showed 88.9% supported a requirement for developers to dedicate land to open space.

The *Comprehensive Plan* refers to affordable housing in the context of resident's ability to obtain housing and the Town's capacity to take action to ensure there is a level of housing available to moderate-income households earning less than the median household income. The *Plan* includes several recommendations related to affordable housing. One such measure calls for the maintenance of two and multi-family housing on a scale that is consistent with rural character. Additionally, the *Plan* recommends that mobile homes should remain a permitted use, but it has been recommended that mobile home parks not be permitted.

In addition to the two family and multi-family provisions, current Zoning also permits accessory apartments. The *Plan* recommends that this remain in the Code with amendments where necessary. The *Plan* recommends Incentive zoning as another tool which the Town should consider where modest density bonuses could be provided in return for the development of affordable units. The *Plan* discusses the small population size of the Town and housing market pressures from outside. To address this situation, the *Plan* recommends leveraging private investment through the use of a Planned Purpose District specifically designed to provide affordable housing as the most meaningful way to obtain affordable dwelling units in the Town.

Implementation of these recommendations would result in avoidance or minimization of potential adverse impacts on growth and character of the community. No further mitigation is necessary.

ECONOMIC CONSIDERATIONS OF GROWTH & COMMUNITY CHARACTER

A. Existing Environmental Setting

This section of the DGEIS examines the economic and fiscal conditions that relate to the growth and character of the community. In their research on the fiscal setting of the Town of Milan, the CPB relied upon and updated a study on taxes which evaluated Milan's current property taxes relative to those of other towns in Dutchess County. The CPB reviewed available literature and studies on fiscal impacts due to different development patterns. The CPB also used the Dutchess County Environmental Management Council's *Buildout Analysis* (see Chapter 2 herein) to assess, under existing zoning compared to proposed zoning, the differences in expected growth in terms of housing units and total population and evaluated the fiscal implications. Readers are encouraged to review the full report in the proposed *Comprehensive Plan*, Appendix C: *Background Materials*. Copies are available at the Town Clerk's office.

The analysis evaluated property taxes by comparing two measures: tax capacity and tax effort. Tax capacity measures the ability of a local government to raise taxes in

relationship with other municipalities. Tax effort is an analysis of the actual tax levies and its relationship to a municipality's tax effort.

Using the methodology outlined in the report, Milan's tax capacity was determined to be 152, which is substantially above the County standard (100). Milan's score is reflective of its strong property tax base compared to the County as a whole and it ranked 4th in tax capacity among all the towns in the County. When the tax capacity index is examined in relationship to population density, data from Dutchess County suggests that as population density increases, property tax capacity decreases. The data shows that while Milan ranked 4th in tax capacity, it also had the lowest population density. For the towns which rated high in tax capacity, all but two also have population densities lower than the State definition of a rural community. These included Pawling (tax capacity of 153/density of 170) and Rhinebeck (tax capacity of 134/density of 214). The conclusion is that adding population, by itself to a community, does not enhance the property tax base.

The tax effort index provides an indication of whether a community is utilizing its tax capacity. This measure is also based on a standard of 100. If a community's tax effort index is greater than 100, the municipality is regarded as fully utilizing its tax capacity and more. If the index is less than 100, the municipality either has an extremely strong tax base and/or is choosing to tax its citizens at a relatively lower rate. The analysis shows Milan ranked 5th in the County with a tax effort score of 83. The conclusion is that Milan has a strong tax capacity and is using it more sparingly compared to other County municipalities. When this measure is examined in conjunction with population density, of the nine towns in the study with the lowest tax effort indices, eight also have the lowest population density.

Although Milan is among the healthiest in the County in terms of tax capacity (considered to be high) and how much of that ability is used (tax effort is low), the Town has experienced an increase in taxes, up nearly 15% in the four years from the time of the study discussed above. In that same period, school taxes increased 20%, representing 74% of the total 2003 tax levy. County taxes declined by nearly 17% while town and fire taxes had risen almost 27%.

B. Potential Environmental Impacts & Mitigation

Reducing permitted densities can be considered a beneficial effect on the growth and character of the community given the consistent overall Town goal to preserve the predominant rural character of the Town. The 2007 *Plan* also identified a need to protect groundwater, agricultural lands, open space and other environmentally sensitive resources, to minimize potential impacts on the tax base, and the impacts of additional traffic on the road network including long-term maintenance costs.

While the change in development density associated with larger parcels should be viewed as a primarily beneficial impact on the growth and character of the community, as well as the natural and visual environment, including the Town's rural character, it has the potential to alter some property owners' anticipation that their property may "yield" a certain number of lots that could be subdivided and offered for sale to the general public under current Zoning. Landowners have traditionally viewed downzoning as a loss in the development potential, and therefore the value of their land. However, according to a comprehensive study¹⁰ of this issue in Baltimore County, Maryland, "Conventional wisdom that zoning has a uniformly negative effect on land prices is untrue...When the study counties were paired with control counties, the result of downzoning was either higher land value for the downzoned counties, or little to no appreciable effect on their land value. This conclusion is supported by two other studies...Downzoning ordinances enacted as part of a comprehensive planning process have demonstrated that they have supported or stabilized land values, and have preserved land for long periods of time. Kent County enacted its downzoning along with a comprehensive review of its critical agricultural lands and an assessment as to where it wanted to direct growth. The one dwelling unit per 30 acres remains in tact because of this approach. Baltimore County enacted downzoning as part of a series of decision steps that began with the Urban-Rural Development Line, delineating where sewer and water would stop in order to retain the agricultural and rural character of the County. The one dwelling unit per 50 acres remains in tact as a result...downzoning has been shown to have no impact on property values."

Minimum lot size requirements of Zoning and its potential effect on speculative development should be put into proper perspective. Lot size requirements must be considered minimums. Section 277(3) of New York State Town Law mandates that plats, in order to be approved, comply with "at least" the requirements of zoning. The statutory requirement is expressed in terms of compliance with zoning minimums or greater requirements by reason of the phrase "at least." The New York State Court of Appeals has upheld the power of local planning authorities, when reviewing an application for subdivision, to impose higher planning and design standards than are otherwise provided in the local minimum standards when there exists good reason in the nature of the land. On this basis, it would be highly speculative to attempt to determine the economic impact upon any one individual property owner since the "yield" or number of actual lots that may be subdivided from any one lot of record could vary significantly according to the above conditions and given Milan's rugged terrain with numerous development constraints, natural resources and sensitive environmental areas.

The impact on a particular landowner resulting from implementation of the proposed *Comprehensive Plan* will depend on whether the landowner is holding land in anticipation of its future development, or resides on his or her land with no present

¹⁰¹⁰ *Downzoning: Does It Protect Working Landscapes and Maintain Equity for the Landowner?* Maryland Center for Agro-Ecology, December 2003. The areas studied included five municipalities that had rezoned rural and agricultural areas from, for example, 1 dwelling unit per 3 to 5 acres to 1 dwelling unit per 15 to 25 acres or from one unit per 5 acres to one unit per 50 acres.

intention to develop it. The comparison of two density alternatives would depend on the market demand for lots of a particular size, which may vary with timing, general economic conditions, and property values in the community. The task of determining the intent of landowners as to the future disposition of their land would defeat the use of a generic document format to examine potential impacts. Because the proposed *Comprehensive Plan* affects all residents of the Town of Milan, the examination of impacts considers the impacts to the Town as one entity.

Furthermore, as quoted above, two recent studies on the economic impact of downzoning have concluded that increasing lot sizes has minimal, if any, impact on the value of land. The widely held view is that a decreased yield of subdivision lots should translate into lower value for the land. However, the Baltimore County study showed that land in a very restrictive 50-acre zone was of equal or greater value per acre than land zoned for 1 lot per 5 acres. The study was based on actual land sales, and was carefully controlled for several confounding variables, including distance from the City of Baltimore and from major roads, varying school districts, accessibility and date of sale. The study found that the price per acre was, in fact, often *higher* in the more restrictive, larger lot zone than in the smaller lot zone. Land traded at a premium in the largest size category, and the sale price per acre declined with the size of the transaction. Several hypotheses were advanced to explain this result. The larger lot zoning may maintain or enhance land values by preserving the likelihood of high-valued uses. Put another way, the scarcity of available housing sites created by the more restrictive zoning caused the fewer, but larger blocks that have permitted house sites to enjoy a premium in value. Moreover, buyers appear to be willing to spend more for protection from development. Similar findings resulted from a study done in San Juan County, Washington. This study, which was based on the assessed value of a property rather than its sales price, concluded that very little loss in property value would result from downzoning.

By establishing PPDs and adopting the Rural Space Overlay, the Town of Milan will be implementing smart growth strategies aimed at achieving the community's desire to remain rural, protect important environmental and scenic features while accommodating inevitable growth. Since these recommendations will have a beneficial effect on community character, while still permitting new commercial and residential growth, no adverse impacts are expected. Therefore, no mitigation is required.

COMMUNITY SERVICES & INFRASTRUCTURE

A. Existing Environmental Setting

Milan has the lowest population density of any Town in Dutchess County and relatively few service needs. Utilities are provided primarily by Central Hudson, Frontier and Verizon. According to the respective companies, no service issues were reported, and few service changes are expected. There is a shortage of high-speed Internet access including cable or DSL technology, although limited service is available adjacent to the Town of Red Hook and in the area around Academy Hill and Milan Hill Road.

Fire and rescue services are provided by the Milan Fire Department under a service contract. The Fire Department is experiencing a decline in response for funds and volunteers as the Town grows. The Town receives Police coverage from the Dutchess County Sheriff's Office and the New York State Police. There is no local police department and the Sheriff's office recommended against creating one. Emergency communications has been identified as a concern. There are certain portions of the Town where cellular service is limited and is an issue for police and fire operations.

Milan is served by three school districts: Red Hook Central, Pine Plains Central and Rhinebeck Central. While the cost of educating students is about the same in the three districts, Red Hook has identified concerns for the growth of the District.

Town residents rely upon individual wells and septic systems to service residential areas. There is one small community water system located on the Carvel property. Given the lack of community water, it is important that adequate water is available for fire-fighting capability.

B. Potential Environmental Impacts & Mitigation

The *Plan* states the Town should encourage and pursue expansion of telecommunications and broadband services to the Town. It is anticipated new technology may provide additional options.

The *Plan* encourages exploring wastewater treatment options for designated development areas with the Dutchess County Water and Wastewater Authority. The *Plan* notes additional consideration should be given to developing provisions for a developer to construct facilities associated with a PPD or a conservation subdivision if the need arises.

The *Plan* recommends amending the subdivision regulations to incorporate fire and emergency safety considerations such as provisions for dry hydrants and water

impoundments. The *Plan* recommends that capital requirements for new highway, fire and emergency equipment should be incorporated into the Town's annual budget cycle to ensure sound fiscal planning.

It is anticipated these recommendations will provide beneficial impacts by controlling the establishment and acquisition of community infrastructure which will guide growth and stabilize costs. Each of the recommendations will require additional study. Implementation of these recommendations would result in avoidance or minimization of potential adverse impacts on community services and infrastructure. No further mitigation is necessary.

CULTURAL RESOURCES

A. Existing Environmental Setting

The 1986 *Comprehensive Plan* identified 62 historic structures in the Town. This was updated during the most recent Comprehensive Planning process. An additional nine structures were identified in the 2007 *Plan* along with recognition of several cemeteries, burial grounds and the historic hamlet areas of Lafayetteville, Rock City, Jackson Corners, Case's Corners and Wildey's Corners.

The New York State Office of Parks, Recreation and Historic Preservation maintains the State and National Historic Register lists and identified areas of archeological sensitivity. The Taconic State Parkway is the Town's only State and National Historic site and there are a few areas in the western portion of Town which represent potential archeological sensitivity. The New York State Historical Society has identified a site of archeological importance in the northwest corner of Milan.

B. Potential Environmental Impacts & Mitigation

In the Community Values Survey, the residents of Milan expressed their support for the preservation of historical places. More than 88% of the respondents noted that preservation of architectural character and historic places is important and nearly 86% reported it was important or most important to maintain historic structures. The *Plan* recommends the following actions:

- ◆ Complete a historic structure inventory and a Milan Historic Register.
- ◆ Create a Historic Overlay District or include historic structures in the definition of Critical Environmental Areas.
- ◆ Explore Town management of abandoned cemeteries.

- ◆ Develop a historical site program to provide owners of such sites recognition of their preservation efforts and to provide special consideration of the impact of surrounding development on the properties.
- ◆ Educate and encourage owners to register their site on the New York State Register of Historic Places.

Implementation of these recommendations would result in avoidance or minimization of potential adverse impacts on cultural resources. No further mitigation is necessary.

Unavoidable Adverse Impacts

The Town Board of the Town of Milan, through the preparation of this Draft GEIS, has not identified any unavoidable adverse environmental impacts that would result from the adoption of proposed *2007 Comprehensive Plan*.

Alternatives

The “No Action” alternative has been examined in relation to the proposed action. This alternative would occur if the Town Board did not adopt the Town’s proposed *2007 Comprehensive Plan*. As a result of a lawsuit initiated by Red Wing Sand and Gravel (see Chapter 2 herein), the Town’s *2006 Comprehensive Plan* was annulled by the New York State Supreme Court for procedural errors in the adoption process. This means that the Town’s *1986 Comprehensive Plan* is still the document that is guiding the Town in its land use decision-making.

The No Action alternative would fail to establish Town policies to achieve the community’s expressed goals to protect Milan’s rural character and control the rate and configuration of new growth. As summarized in detail in Chapter 2 Subsection B, the Buildout Analysis that was conducted during the preparation of the Comprehensive Plan (see Appendix A), indicates that if the Town were to continue to develop under the current Zoning, open space and scenic resources would eventually disappear because the current zoning sets density levels which will result in the Town producing a density above the definition of rural and permits residential uses to be spread out across undisturbed natural areas, farmland and other large land holdings in a manner commonly characterized as “sprawl.”

Continued implementation of the Town’s current Zoning is likely to have other significant adverse impacts on the Town over time as discussed in each section of Chapter 3 herein. Since New York State Town Law requires that “all town land use regulations must be in accordance with a Comprehensive Plan ” (§278-a.11), the Town’s adoption of a new Comprehensive Plan, with policies and recommendations to amend the Zoning Law and other land use controls to achieve residents’ overwhelming desire to protect Milan’s rural character and quality of life.

The adverse environmental impacts that would result from the no action alternative include the following:

- ◆ The potential for a gradual erosion of Milan's open space and rural character resulting from scattered, large lot residential development in a pattern that would be sprawled across the landscape.
- ◆ The potential for degradation of Milan's identified environmental resources, which greatly contribute to the Town's rural character and its attractiveness to residents and visitors alike.
- ◆ The potential for an increase in population density, which would transform Milan from a rural to a suburban community.
- ◆ The potential for negative impacts from inappropriate siting of industrial uses anywhere in the Town including increased truck traffic on local roads.
- ◆ The potential for degradation of community character and visual resources resulting from the failure to establish updated and adequate standards for building design and site layout, streetscape design, parking, landscaping, signage, and lighting.
- ◆ The potential for negative impacts on the scenic quality of ridgelines resulting from a failure to protect these significant ecological and visual areas from inappropriate development.
- ◆ The potential for negative impacts on cultural resources resulting from the failure of current land use controls to consider the impacts of development on historic features including architectural design and building locations as well as pre-historic archaeological resources.
- ◆ The potential for negative impacts on ground and surface water resources, with potential adverse impacts on future growth if an adequate supply of safe drinking water were not assured.
- ◆ The potential for an increased tax burden on local residents resulting from a land use pattern that is not cost-effective in terms of providing community services, and that would have adverse impacts on the school district resulting from increase in population density exceeding that of a rural community.

GROWTH INDUCING ASPECTS

There are no growth inducing aspects of the proposed 2007 *Comprehensive Plan*, rather the plan is designed to accommodate the growth anticipated within this region and more specifically within the Town of Milan. There is no expected development projects associated with the adoption of the *Plan* such as the construction of a central wastewater system. The *Plan* does recommend the Town study the feasibility of such an endeavor in the hamlet areas or in conjunction with a PPD, but the suggestion to explore a potential growth inducement does not in itself create the growth inducement. If the Town were to pursue a central wastewater facility, a separate and complete environmental review would be undertaken and the issue of growth inducement would be addressed therein.

Appendices

Appendix A: 2007 Comprehensive Plan

Appendix B:

SEQR Materials and Correspondence